

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:01 CV 422

CAPITAL FACTORS, INC.,

Plaintiff,

v.

THE FRYDAY CLUB, INC., TURNER
INDUSTRIES II, LTD., BOBBY H. TURNER,
and O.T.T.O., INC.,

Defendants.

ORDER

THIS MATTER is before the Court on its own Motion. Defendants filed a Notice of Stay Due to Bankruptcy Filing in the Western District of Kentucky on May 23, 2005, (file doc. 86). Along with that Notice, Defendants attached a Notice of Removal to the United States Bankruptcy Court for the Western District of Kentucky.

It appears as though this matter was successfully removed to the Bankruptcy Court for the Western District of Kentucky. United States Bankruptcy Judge Joan Cooper stated in her November 25, 2003 Order that the Western District of Kentucky Bankruptcy Court “shall retain jurisdiction as this matter has been removed to this Court from the United States District Court for the Western District of North Carolina.” Although it is unclear why the Defendants would file a Notice of Stay when the matter has been removed to Bankruptcy Court in the Western District of Kentucky, this Court hereby closes this matter in the Western District of North Carolina.

IT IS THEREFORE ORDERED that the clerk close this matter as it is currently proceeding in the United States Bankruptcy Court for the Western District of Kentucky, Case No.

03-12158.

Signed: September 15, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

